

# UNITED STATES DISTRICT COURT

Middle District of North Carolina

CORNELIA MORRIS	)	
	)	
Plaintiff,	)	
	)	1:04CV858
v.	)	
	)	<b>ORDER</b>
JOHN E. POTTER, POSTMASTER	)	
GENERAL,	)	
RUSSELL RACINE, POSTMASTER,	)	
DARRYL GARNER,	)	
CHERIE STRATHERN	)	
	)	
Defendant.	)	

The Plaintiff brought this employment discrimination action on September 13, 2004. On January 13, 2005, the Defendant filed a motion to dismiss or for summary judgment. Plaintiff was duly informed by this court's standard *Roseboro* notice of dismissal and summary judgment procedures and the possible consequences if she failed to respond adequately. Despite this explanation, the Plaintiff elected not to respond to the motion, notwithstanding that the court has allowed ample time for Plaintiff to respond. Instead, by a letter file-stamped April 27, 2005, Plaintiff has informed the court that she will no longer pursue this matter (docket no. 28).

As the Plaintiff has failed to respond to the motion to dismiss or for summary judgment, and by reason of her letter file-stamped April 27, 2005, it appears to the court that she wishes to abandon this action. Therefore,

**IT IS ORDERED** that the Plaintiff shall have a period of **ten (10) days** from the date of this order in which to file her response to the motion to dismiss or for summary judgment. The Plaintiff is advised that if she fails to respond, this action will be dismissed for failure to prosecute. *Davis v. Williams*, 588 F.2d 69, 70 (4<sup>th</sup> Cir. 1978).

**IT IS SO ORDERED.**

A handwritten signature in black ink, appearing to read "Wallace W. Dixon", written over a horizontal line.

Wallace W. Dixon  
United States Magistrate Judge

May 13, 2005